

## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF IDAHO FALLS  
PROHIBITING TEXTING WHILE DRIVING OR OPERATING  
A MOTOR VEHICLE ON A PUBLIC STREET; PROVIDING  
FOR SEVERABILITY AND ESTABLISHING EFFECTIVE  
DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO  
FALLS, IDAHO THAT:

WHEREAS, numerous studies have concluded that texting while driving or operating a motor vehicle is a practice which reduces or impairs a driver's ability to respond to the demands of driving and the hazards of the roadway;

WHEREAS, City Council finds that texting while driving or operating a motor vehicle significantly increases potential for accidents and injury on the public streets and ways within the City;

WHEREAS, City Council has the power and duty to provide for the general health, safety and welfare within the City of Idaho Falls and to exercise police powers as granted to municipalities within the State of Idaho; and

WHEREAS, City Council hereby declares texting while driving or operating a moving motor vehicle to be a public nuisance and bans said use as set forth herein.

**Section 1. Adoption of Section 9-1-11, Idaho Falls City Code.** Section 9-1-11  
of the City Code of the City of Idaho Falls is adopted as follows:

9-1-11: USE OF WIRELESS ELECTRONIC COMMUNICATION DEVICES WHILE  
DRIVING A MOTOR VEHICLE PROHIBITED:

(A) DEFINITIONS: For the purpose of this section, the following definitions shall apply:

1. "Driving or Operating a Motor Vehicle" means to drive, operate or be in physical control of a motor vehicle on a public street while the vehicle is in motion.
2. "Hands-Free Wireless Electronic Communication Device" means an internal feature of or attachment to a wireless electronic communication device that allows a person to operate the device without holding the device or otherwise using one's hands except for the purpose of activating or deactivating the device.

3. "Motor Vehicle" means every vehicle which is self-propelled and which may be lawfully operated or driven on a public street. Motor Vehicle does not include vehicles moved solely by human power, electric personal assisting mobility devices and motorized wheel chairs or other vehicles that are specifically exempt from titling or registration requirements under Title 49, Idaho Code.
  4. "Public Street" means any street, alley or way owned by or dedicated to the public for use of motor vehicles within the City.
  5. "Text-Based Communications" means any communication which communicates a message through or by the use of alphabetic characters or typographic symbols. Text-Based Communication, includes but is not limited to, communications known as instant messages, text messages, emails or "SMS" messages.
  6. "Wireless Electronic Communication Device" means a device that allows a person to wirelessly communicate with another person or persons. This includes but is not limited to mobile, cellular, wireless and digital phones, personal digital assistants, text messaging devices, computers, I-Pads and similar devices or any other substantially similar wireless device that is used to initiate or receive a text message with another person. It does not include citizens band radios, citizens band radio hybrids, commercial two-way radio communication devices, subscription-based emergency communications, in-vehicle security, navigation, and remote diagnostics systems or amateur or ham radio devices.
- (B) **USE OF WIRELESS ELECTRONIC COMMUNICATION DEVICE PROHIBITED:** It is unlawful for any person to use a wireless electronic communication device to compose, send, read, store or delete any text-based communication while driving or operating a motor vehicle within the City.
- (C) **EXCEPTIONS:** The provisions of this section shall not apply to the following:
1. Use of a wireless electronic communication device to summon emergency medical assistance or to summon a law enforcement officer or fire safety personnel.
  2. The use of a hands-free wireless communication device or other voice-operated, hands-free technology.
  3. Use of a wireless electronic communication device by a law enforcement officer or emergency services personnel during the course and scope of his or her duties.
  4. The use of a wireless electronic communication device to report suspicious or illegal activity to law enforcement personnel.

5. Use of wireless electronic communication device to report to prevent substantial bodily injury to law enforcement or public safety personnel or to prevent damage to personal property.
6. The use of a GPS device or other similar electronic device for navigation purposes.

**Section 2. Severability.** The provisions of this Ordinance are severable. In the event any provision shall be determined to be void or unenforceable for any reason, such determination shall not affect the enforceability of the remaining provisions.

**Section 3. Effective Date.** This Ordinance shall be effective upon its passage, execution and publication in the manner provided by law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Jared D. Fuhrman  
Mayor

ATTEST:

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Rosemarie Anderson  
City Clerk

(SEAL)

STATE OF IDAHO            )  
                                      )ss.  
County of Bonneville        )

I, ROSEMARIE ANDERSON, CITY CLERK OF THE CITY OF IDAHO FALLS,  
IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance  
entitled, "AN ORDINANCE OF THE CITY OF IDAHO FALLS PROHIBITING TEXTING  
WHILE DRIVING OR OPERATING A MOTOR VEHICLE ON A PUBLIC STREET;  
PROVIDING FOR SEVERABILITY AND ESTABLISHING EFFECTIVE DATE."

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Rosemarie Anderson  
City Clerk